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INTERNATIONAL COOPERATION IN COMBATING TRANSNATIONAL CRIME

IMPLEMENTATION OF THE NAPLES POLITICAL DECLARATION AND GLOBAL ACTION PLAN AGAINST ORGANIZED TRANSNATIONAL CRIME: QUESTION OF THE ELABORATION OF AN INTERNATIONAL CONVENTION AGAINST ORGANIZED TRANSNATIONAL CRIME, AND OTHER POSSIBLE INTERNATIONAL INSTRUMENTS

Report of the Secretary-General

Addendum

RECOMMENDATIONS OF THE AFRICAN REGIONAL MINISTERIAL WORKSHOP ON ORGANIZED TRANSNATIONAL CRIME AND CORRUPTION, HELD AT DAKAR FROM 21 TO 23 JULY 1997

*E/CN.15/1998/1.

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INTRODUCTION

1. The General Assembly, in its resolution 49/159, approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (A/49/748, annex) adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, and urged States to implement them as a matter of urgency. The General Assembly, in its resolution 51/120, requested the Commission on Crime Prevention and Criminal Justice to consider, as a matter of priority, the question of the elaboration of an international convention against organized transnational crime. The Commission, in draft resolution I adopted at its sixth session, recommended to the Economic and Social Council the approval of a draft resolution for adoption by the General Assembly, whereby the Assembly would decide to establish an inter-sessional open-ended intergovernmental group of experts of the Commission, charged with elaborating a preliminary draft of an international convention.

2. On the recommendation of the Commission, contained in draft resolution I adopted at its fifth session, the General Assembly adopted, by its resolution 51/59, the International Code of Conduct for Public Officials. By its resolution 51/191 of 16 December 1996, the Assembly also adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions.

3. Pursuant to the above-mentioned resolutions, the African Regional Ministerial Workshop on Organized Transnational Crime and Corruption was held at Dakar from 21 to 23 July 1997 at the invitation of the Government of Senegal. The Regional Ministerial Workshop was supported by the Agency for Cultural and Technical Cooperation and organized in cooperation with the United Nations International Drug Control Programme (UNDCP).

I. RECOMMENDATIONS

4. The Regional Ministerial Workshop adopted unanimously and recommended the implementation of the Dakar Declaration on the Prevention and Control of Organized Transnational Crime and Corruption, presented below. The recommendations of working groups I and II, contained in annexes II and III respectively, were also adopted.

Dakar Declaration on the Prevention and Control of Organized Transnational Crime and Corruption

We, Ministers and Representatives of the States participating in the African Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held at Dakar from 21 to 23 July 1997, organized by the Crime Prevention and Criminal Justice Division of the Secretariat of the United Nations, in cooperation with the United Nations International Drug Control Programme and with the support of the Agency for Cultural and Technical Cooperation, under the auspices of the Ministry of Justice of Senegal,

Having met for the purpose of examining modalities to strengthen and improve the capacity of our States to respond to organized transnational crime and corruption and to promote mechanisms of subregional, regional and international cooperation by mutually reinforcing our efforts,

Convinced of the need for effective national and regional action against corruption, particularly in view of its serious debilitating effects on democratic institutions, the maintenance of the rule of law and development,

Mindful of the crucial importance for action against organized transnational crime and corruption of appropriate legislation and regulatory measures and of an efficient and fair criminal justice system,

Have decided the following:

1. We reiterate the importance of the full and expeditious implementation of the Political Declaration and Global Action Plan against Organized Transnational Crime, adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, as well as of General Assembly resolutions 49/159, 50/146, 51/63 and 51/120, and of Economic and Social Council resolution 1996/27.

2. We express our concern about the increase in and expansion of organized criminal activities, corrupt practices and bribery in international commercial transactions which threaten democracy, undermine the legitimacy of Governments and institutions, hamper the sustainable development of our peoples and affect their security.

3. We recognize the importance of the contribution that the United Nations Crime Prevention and Criminal Justice Programme can make to the implementation of the United Nations New Agenda for the Development of Africa in the 1990s, in particular regarding the intensification of the democratic process and the strengthening of the protection of the civil society.

4. We recognize that poverty, unemployment and other obstacles to human development, such as civil strife and war, as well as crime and social injustices, render our States and societies vulnerable to transnational organized crime and corruption; and we are, therefore, resolved to undertake and intensify all necessary steps and measures to address such problems, with the cooperation and support of the international community.

5. We will translate into action our firm commitment, determination and political will to combat the above-mentioned problems and arrest the expansion of organized transnational crime and corruption, prevent and control their activities, and protect our societies from the dangers posed by those forms of crime by the following means:

(a) Reviewing and strengthening our existing institutions, in particular the criminal justice systems of our States, and establishing appropriate mechanisms to coordinate action at the national level;

(b) Reviewing, modernizing and harmonizing existing substantive and procedural legislation and regulatory regimes, to ensure their continued relevance, efficiency and adaptability to modern manifestations of organized crime and to the various forms of corrupt practices, including in the context of international commercial transactions;

(c) Elaborating and adopting new laws and regulations designed to meet the challenge posed by the complexity and sophistication of organized crime and corruption, and ensuring that there are no gaps that organized criminal groups and the perpetrators of corrupt practices may exploit;

(d) Upgrading the skills of our law enforcement and criminal justice personnel, increasing their knowledge and expertise and raising the level of their professional capabilities, to enable them to implement relevant legislation and regulations effectively, for the purpose of preventing and controlling organized crime and corruption.

6. We acknowledge that organized crime and corruption cannot be prevented and controlled through national measures only. International cooperation is crucial and must be promoted vigorously, without delay at all levels.

7. We also believe that concerted action at the international level can greatly benefit from closer and improved subregional and regional cooperation, which constitute a necessary complement to the global approach that is essential to deal with the dangers posed by the transnational forms of crime.

8. We will, therefore, spare no effort to strengthen subregional and regional cooperation, in particular by the following means:

(a) Reviewing existing regional arrangements and mechanisms, with a view to modernizing them and making them more responsive to the needs of the African States;

(b) Establishing or strengthening cooperation and exchange of experience between law enforcement agencies of our States, particularly with a view to improving their ability to detect and investigate organized crime activities and corrupt practices;

(c) Intensifying the sharing and exchange of information regarding the occurrence and patterns of organized crime and corruption;

(d) Actively promoting and strengthening cooperation, as well as exchange of experience and information between prosecutorial and judicial authorities of our countries, with a view to increasing the capacity of our criminal justice systems to prosecute and adjudicate organized crime and corruption cases.

9. We consider extradition, mutual assistance and other forms of international cooperation in criminal matters among the most essential and effective tools in the fight against organized transnational crime and corruption. We welcome with satisfaction the Convention on Mutual Legal Assistance and the Convention on Extradition of the Economic Community of West African States and urge their expeditious ratification and implementation by the States members of that Organization, as well as possible accession on the part of other interested States.

10. We take note of the support provided by the Crime Prevention and Criminal Justice Division of the Secretariat to the States members of the Economic Community of West African States in elaborating and implementing the Convention on Mutual Legal Assistance and the Convention on Extradition, and call upon the Division to continue and intensify its efforts to assist the States of the African region, at their request, in international cooperation in criminal matters.

11. We intend to take every measure necessary, within the framework of our national legal systems, towards:

(a) Enhancing our extradition and mutual assistance arrangements or agreements, or adopting the necessary legislation that would enable our States to cooperate more effectively and expeditiously;

(b) Establishing national central authorities to process requests for extradition and mutual assistance and putting in place mechanisms that would ensure coordination between competent national authorities;

(c) Reviewing existing extradition and mutual assistance legislation, or adapting such legislation with a view to ensuring efficient and effective handling of extradition and mutual assistance requests;

(d) Simplifying and streamlining procedures necessary for extradition and mutual assistance, including the provision to the concerned States of information sufficient to enable extradition and mutual assistance, as well as exploring new arrangements related to the transfer of criminal proceedings.

12. We reiterate our support to the United Nations model treaties on international cooperation in criminal matters and encourage all States of the region to rely on them when concluding bilateral, subregional or regional agreements or arrangements in this field.

13. We express our strong support for the elaboration of an international convention against organized transnational crime, in accordance with the specific suggestions contained in annex II of the report of the Regional Ministerial Workshop. We call upon all States to contribute to and be actively engaged in the elaboration of such an instrument, making every possible effort to resolve differences and overcome conceptual or substantive difficulties, in order to permit the process to be completed in the shortest time possible. We express our strong hope to participate in the work of the inter-sessional open-ended intergovernmental group of experts of the Commission on Crime Prevention and Criminal Justice[1] charged with elaborating a preliminary draft of an international convention against organized transnational crime, so as to fully support the efforts of the Commission in elaborating such a convention, and we call upon the Commission to pursue those efforts as a matter of the utmost urgency.

14. We urge States that are not yet parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988[2] to adhere to or to ratify it without delay and to implement it fully.

15. We welcome the Declaration and Plan of Action on Drug Abuse and Illicit Trafficking in Africa, adopted by the thirty-second ordinary session of the Assembly of Heads of State and Government of the Organization of African Unity, held at Yaoundé, Cameroon, in July 1996, and call upon all member States to implement it at the national level.

16. We recognize that money-laundering is a vital component of all forms of organized crime. We are extremely concerned about the ability of organized crime to infiltrate legal financial markets and its attempts to control sectors of national economies through the laundering of illicit proceeds, which continue to represent grave threats for our countries and our national economies.

17. We express our commitment to preventing and controlling the laundering of the proceeds of crime by reviewing existing legislation, or enacting new laws and regulations, as appropriate, and by making every possible effort to increase international cooperation in this field.

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[1] General Assembly resolution 52/85 of 12 December 1997.

[2] *Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

18. We welcome the Global Programme against Money-Laundering, developed by the United Nations International Drug Control Programme and the Crime Prevention and Criminal Justice Division, and we urge those entities to pay appropriate attention to the needs of the States of the African region in the execution of this programme of technical cooperation.

19. We reiterate our commitment to the full implementation of General Assembly resolutions 51/59 and 51/191 and Economic and Social Council resolution 1995/14. We welcome and express our full support for the recommendations adopted by the Commission on Crime Prevention and Criminal Justice at its sixth session on action against corruption and bribery.[3]

20. We confirm our strong and sustained commitment to combating the phenomenon of corruption in all its manifestations and to promoting a culture of accountability, transparency, competence and integrity in public life. We believe that effective action against corruption requires the participation, active involvement and cooperation of civil society, and we intend to make every possible effort and take every necessary measure to change public attitudes and perceptions of corruption by instilling and maintaining a culture of legality and enlisting public support and cooperation to defeat the consensual nature of corruption.

21. For that purpose, we intend to develop programmes composed of interrelated and carefully coordinated measures, including administrative, civil, procedural and criminal legislation, as well as various regulatory provisions and administrative action designed to prevent and control corruption and bribery, as a matter of high priority.

22. In our efforts to prevent and control corruption and bribery, we intend to be guided by the conclusions and recommendations of the Expert Group Meeting on Corruption, held at Buenos Aires from 17 to 21 March 1997,[4] which we fully endorse.

23. We believe that the phenomenon of corruption and bribery has become transnational in nature and that it is no longer possible to deal with it effectively through national action. We therefore recommend that the international community develop a common basis for cooperation that would promote the values of good governance and would ensure that development and growth are not impeded by corrupt practices. In that connection, we believe that the elaboration of an international convention against corruption and bribery would be the most effective response to the problem. In order to promote efforts in that direction, we undertake to begin working together for the elaboration of an African convention against corruption and bribery, and we seek the assistance of the United Nations and other relevant regional and international organizations in order to succeed in that effort.

24. We value the efforts of the Crime Prevention and Criminal Justice Division to provide advisory services and technical assistance to the States of the African region, and recommend their further strengthening. We express our deep concern about the low level of resources provided to the Division for that purpose. We welcome the proposals of the Secretary-General related to the upgrading of the Division into a new Centre and we call upon him to undertake every effort possible in order to identify and allocate to the Division sufficient resources for the implementation of its mandates. Such resources should be commensurate with the status of the United Nations Crime Prevention and Criminal Justice Programme as one of the high priority areas of the United Nations.

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[3]General Assembly resolution 52/87 of 12 December 1997.
[4]E/CN.15/1997/3/Add.1.

25. We call upon the United Nations Crime Prevention and Criminal Justice Programme to intensify its efforts to provide advisory services and technical assistance to States of the African region, at their request, and for that purpose to develop the appropriate modalities and tools, in particular, model legislation and training manuals.

26. We stress the role of the African Institute for the Prevention of Crime and the Treatment of Offenders as a useful vehicle for enhancing regional cooperation and coordination in the fight against crime, especially in its transnational dimensions, which cannot be adequately dealt with by national action alone, and urge all States of the region to comply with their obligations to support the Institute.

27. We express our intention to make action against organized transnational crime and corruption, including international cooperation, priorities of our development efforts, and we will include in our requests to the United Nations Development Programme, within its country programme framework, projects involving action against organized transnational crime, money-laundering and corruption, with a view to upgrading our national institutional capacities and professional expertise in those fields.

28. We call upon donor countries, the United Nations Development Programme, the World Bank, the African Development Bank and other international, regional and national funding agencies to give favourable consideration to project proposals on strengthening our national or regional capacities and creating the expertise required for the prevention and control of organized transnational crime and corruption, elaborated by the Division and submitted to them.

29. We regard the project proposals that we have reviewed (reflected in annex III of the report of the Regional Ministerial Workshop) as viable and important regional initiatives, containing the basic elements of a concerted approach to the problems faced by all States of the region in the prevention and control of organized transnational crime, money-laundering and corruption. We fully endorse them and undertake to ensure their expeditious and comprehensive execution by taking all necessary steps at the national level to encourage the inclusion of the activities foreseen in such proposals in the national development plans of our States and in the respective country programmes of the United Nations Development Programme. To that end, we will ensure that the execution of the projects is given high priority by our Governments, and we will actively assist the Division in its efforts to identify and secure financing from donor countries and funding agencies. We will render such assistance by stressing the high priority attached by our Governments to the strengthening of our criminal justice systems, as well as the importance of the prevention and control of organized transnational crime, money-laundering and corruption for sustainable development and good governance, and the urgency of the full implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime. We call upon donor Governments and funding agencies to give favourable consideration to those project proposals, as well as to other technical cooperation activities planned and undertaken by the Division, on the basis of requests submitted to it by individual States or groups of States of the African region.

II. ORGANIZATION OF THE REGIONAL MINISTERIAL WORKSHOP

A. Opening of the Regional Ministerial Workshop

5. In his opening address, the Prime Minister of Senegal expressed the hope that the Regional Ministerial Workshop would focus on strengthening international cooperation in technical and substantive fields, in order to improve the professional skills of criminal justice personnel and thereby enable them to achieve greater

success in the fight against organized transnational crime and corruption. In that connection, he emphasized the importance of harmonizing national legislation, taking into account the elaboration of a new international convention against organized transnational crime. Steps in that direction had already been taken in Senegal, with the creation of a Court for the Elimination of Illicit Enrichment.

6. The Officer-in-Charge of the Crime Prevention and Criminal Justice Division of the Secretariat thanked the Government of Senegal for its generous hospitality, and noted that Africa, like other continents, was beset by rising trends in crime and corruption stemming from weaknesses in existing political systems and legal instruments. He recalled that the World Ministerial Conference on Organized Transnational Crime had stressed the need for more effective instruments to strengthen global and regional cooperation; that the Commission had recommended the establishment of an intergovernmental group of experts to prepare a draft international convention against organized transnational crime; and that the Secretary-General had made far-reaching proposals for strengthening the programmes of the United Nations in crime prevention and drug control, including the fight against terrorism. The Regional Ministerial Workshop could play a crucial role in achieving those ends by strengthening regional cooperation in such areas as the conduct of investigations, legal assistance, extradition and confiscation of criminal proceeds. In that context, three projects, dealing with the control of organized crime, the establishment of an inventory of trafficking routes in Africa and the elaboration of instruments to fight corruption, had been prepared for the consideration and approval of the Workshop.

7. The observer for the Organization of African Unity emphasized the importance of the African Institute for the Prevention of Crime and the Treatment of Offenders in the prevention of delinquency in Africa, and urged those States which had ratified its statute to comply with their financial obligations towards the Institute. She further noted that the fight against poverty was an important component of crime prevention, and that the armed conflicts raging on the African continent, by facilitating the trafficking of arms, drugs and people, contributed to the surge in organized crime.

B. Attendance

8. The Regional Ministerial Workshop was attended by the representatives of 45 States of the African region and by observers for two United Nations bodies, one affiliated regional institute, one specialized agency, five intergovernmental organizations and one other organization. The list of participants is contained in annex I.

9. The Crime Prevention and Criminal Justice Division served as secretariat of the Regional Ministerial Workshop.

C. Election of officers

10. The Workshop elected the following officers by acclamation:

Chairman:	Jacques Baudin (Senegal)
Vice-Chairmen:	A. M. Omar (South Africa) Marcel Eloi Rahandi Chambrier (Gabon) Kaba Ould Elava (Mauritania)
Co-rapporteurs:	Yarba Larga (Burkina Faso) C. Sampa (Zambia)

D. Adoption of the agenda

11. At its first plenary meeting on 21 July 1997, the Regional Ministerial Workshop adopted the following agenda:

1. Election of officers.

2. Adoption of the provisional agenda and organization of work.

3. National experiences with regard to the establishment of substantive, procedural and regulatory legislation and the adoption of organizational structures to prevent and combat organized transnational crime, money-laundering and corruption.

4. Measures to strengthen efforts to prevent and control organized crime, money-laundering and corruption at the national, subregional and regional levels.

5. Inputs for the elaboration of an international convention against organized crime.

6. Need for technical assistance, including treaty development and the strengthening of criminal justice infrastructures.

7. Consideration and adoption of recommendations and of the report.

E. Closure of the Regional Ministerial Workshop

12. The participants expressed their deep gratitude to the Government and people of Senegal for acting as host to the Regional Ministerial Workshop (see annex IV). Closing statements were made by the Officer-in-Charge of the Division and by the Minister of Justice of Senegal.

III. SUMMARY OF THE DISCUSSION

13. All representatives underlined the relevance of the Regional Ministerial Workshop, particularly at a time when African countries were experiencing a rise in the occurrence and impact of organized crime in its various forms and manifestations. All representatives reiterated their unconditional support for the implementation of and appropriate follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime. The important contributions made by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders were also recalled. In that connection, they made reference to measures already taken or planned in their States.

14. The serious and dangerous impact of organized crime and corruption in many States of the continent was particularly stressed. That impact was compounded by the effects of poverty, debt burden and ethnic conflicts in the region. Many representatives made reference to the side-effects of the processes of privatization and trade liberalization that many countries were undertaking to revive their economies, as reflected particularly in the increase in capital flight and the laundering of the proceeds derived from illicit activities.

15. Several representatives also described in detail reforms currently under way in legislation, regulatory measures and administrative structures. In particular, the establishment of specialized bodies against drug trafficking, corruption and money-laundering were highlighted. Those efforts needed continuous and intensified

support by the international community at both the national and regional levels. In that connection, the role of the United Nations in supporting those efforts through technical cooperation was emphasized.

16. Many representatives described the principal manifestations of organized crime in the region. Activities in which organized criminal groups were engaged ranged from sophisticated financial crimes, including large-scale fraud and money-laundering, to traditional forms of criminality such as counterfeiting, forgery of passports, armed robberies and vehicle theft and trafficking. In addition, a cause of particular concern was the engagement of criminal groups in the smuggling of precious raw materials, arms trafficking, trafficking in women and children and exports of toxic wastes.

17. The discussion also covered the issue of terrorism, which was of particular concern to many States, posing a formidable threat to their security, stability and development. Support was expressed in that connection for the proposals of the Secretary-General to concentrate the activities of the United Nations against crime, drugs and terrorism at Vienna, under a new structure.

18. In view of the especially dangerous ramifications of organized crime and corruption, particularly for the developing and least-developed countries of the African region, all representatives stressed the indispensable role of concerted action and international cooperation. In order for such cooperation to take shape and be effective, all emphasized the urgency of the elaboration of an international convention against organized transnational crime.

Annex I

LIST OF PARTICIPANTS

Algeria

Ahmed Hamed-Abdelouahab
Salah Medbarki, Procureur général
Issouli, Directeur de la police judiciaire

Angola

Arcanjo Custodio, Attorney of Huambo Province
Gaspar Rodrigues de Faria, Attorney of Cuanza Sul Province

Benin

Bachirou Bakari, Directeur de Cabinet du Garde des Sceaux, Ministère de la justice, de la législation et des droits de l'homme

Botswana

Norman S. Moleboge, Commissioner of Police
Victor V. Ghanie, Assistant Superintendent of Police

Burkina Faso

Yarba Larga, Ministre de la justice, Garde des Sceaux
Jean Bado, Conseiller technique

Burundi

Jean-Bosco Butasi, Procureur général

Cameroon

Victor Mbida, Secrétaire général de la délégation générale à la sûreté
Messina Teme, Avocat général près de la Cour d'appel de Yaoundé
Jean-Louis Messing, Sous-Directeur des enquêtes criminelles, Direction de la police judiciaire

Cape Verde

Henrique Monteiro, Attorney-General

Central African Republic

Sylvain Nzas, Premier Avocat général à la Cour d'appel de Bangui

Chad

Mai Ingalaou Baou Kacgh, Magistrat en service à la Direction de la législation générale du Ministère de la justice

Comoros

Idarousse Aboudou Mohamed, Directeur général des affaires politiques et juridiques, Ministère des affaires etrangères, de la coopération et de la francophonie

Côte d'Ivoire

Kouadio Kouassi, Directeur, Ministère de la sécurité
N'Doua Ekaza, Ministère de la défense

Djibouti

Abdi Isamel Hersi, Directeur général des services judiciaires

Egypt

Ambassador of Egypt to Senegal

Equatorial Guinea

Ignacio Milam Tang, Ministro de Justicia y Culto

Ethiopia

Taye Mengistu, Acting Head, Criminal Investigation Department, Ministry of Justice

Gabon

Marcel Eloi Rahandi Chambrier, Ministre d'Etat, Ministre de la justice, Garde des Sceaux, chargé des droits de l'homme
Mboumbou Jorez, Conseiller du Ministre de la justice
Pierre Ndong Aboghe, Conseiller juridique

Gambia

Momodou Bojang, Secretary of State for the Interior
Ebrima Kambi, National Coordinator, Interministerial Drug Control Programme

Ghana

Albert Busomtwi-Sam, Deputy Minister of the Interior
Godson Seth Aggor, Commissioner of Police

Guinea

Zogbèlèmou Togba, Ministre de la justice, Garde des Sceaux
Victor Traore, Directeur du Bureau national d'Interpol

Guinea-Bissau

Armindo Marques Vieira

Lesotho

Sephiri Motanyane, Minister of Justice and Human Rights
Borotho Matsoso, Lesotho Mounted Police
Raphael Ramaliehe Kali, Principal Secretary for Justice and Human Rights

Liberia

Alfred Eric Mensah, Chief Investigator, Criminal Investigation Division, Liberia National Police

Madagascar

Ben Marofo Azaly, Secrétaire d'Etat près du Ministre de l'intérieur chargé de la sécurité publique

Malawi

Cassim Chalumpha, Ministry of Justice
James B. Kalaile, Supreme Court of Malawi

Mali

Cassim Hanin Chalinphe, Ministre de la justice

Mauritania

Kaba Ould Elava, Ministre de l'intérieur, des postes et télécommuncations
Abdellahi Ould Kebd, Conseiller technique, Secrétaire permanent de la Commission nationale de lutte contre la drogue
Abdatt Ould Senni, Directeur de la police judiciaire et de la sécurité publique
Guallédou Baba, Attaché de cabinet

Mauritius

D. Pursem, Principal State Counsel

Mozambique

Armando Mario Correia, General Secretary, Ministry of Interior
Antonio Claudio Santos, Deputy Attorney-General
Agostinho Abdul, Assistant Attorney-General

Namibia

Jeremia Nambinga, Deputy Minister of Home Affairs
Frans Sheehama, Deputy Permanent Secretary, Ministry of Home Affairs

Niger

Boubey Oumarou, Ministre de la Justice et des droits de l'homme, Garde des Sceaux, coordonnateur des activités de lutte contre le trafic illicite de drogue
Maazou Seydou Adamou, Procureur général près de la Cour d'appel, Président de la Commission nationale de lutte contre la drogue

Rwanda

Simon Nyamaswa, Commandant de la Police communale de la préfecture de Gisenyi, Ministère de l'intérieur, du développement communal et de la réinstallation

Sao Tome and Principe

Antonio de Vera Cruz Bandeira, Director of Criminal Research Police

Senegal

Jacques Baudin, Garde des Sceaux, Ministre de la justice
Guibril Camara, Procureur général près de la Cour de cassation
Marcel Bassene, Vice-président de l'Assemblée nationale
Doudou Ndir, Directeur des affaires criminelles et des grâces, Ministère de la justice
Amadou Diallo, Directeur adjoint des affaires criminelles et des grâces, Ministère de la justice
El Hadji Malick SOW, Conseiller technique, Ministère de la justice
Mamadou Moustapha Tall, Directeur général des douanes
Moustapha Diagne, Chef du bureau particulier, douanes
Maïmouna Diop, Directeur des affaires juridiques et consulaires, Ministère des affaires étrangères et des Sénégalais de l'extérieur
Demba Ndiaye, Programme de génie communautaire (PROGECOM), réinsertion sociale des détenus
Codé Mbengue, Directeur de la Police judiciaire, Ministère de l'intérieur
Assane Fall, Chef du Service particulier, Central national d'Interpol
Leïty Ka, Colonel, Commandant de la Gendarmerie Territoriale
Meïssa Niang, Chef d'Escadron, haut commandement de la gendarmerie
Mamadou Guèye Faye, Chef d'Escadron, Etat-Major particulier du Président de la République
Massamba Ndiaye, Commissaire divisionnaire, Sencar, PRIMATURE
Momar Gueye, Direction des organisations internationales, Ministère des affaires étrangères et des Sénégalais de l'extérieur

Seychelles

André Kilindo, Commissioner of Police

Sierra Leone

Umaru Bundu Wurie, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Republic of Sierra Leone to the United Nations Office at Vienna (Geneva)

South Africa

A. M. Omar, Minister of Justice and Intelligence Services
J. Mkhubelu, Adviser

Sudan

Shawgi Hussein Mohamed, Under-Secretary, Ministry of Justice

Swaziland

Frank Buckham, Secretary to the Cabinet
Cornelius Lukhele, Police Superintendent

Togo

Awa Yawo, Commissaire Principal de police, Conseiller technique du Ministère de l'intérieur et de la sécurité

Tunisia

S.E.M. Ben Sale, Ambassadeur de Tunisie au Sénégal
Tahar Fellous Réfai, Directeur général des relations extérieures et de la coopération internationale
Amar Ben Mansour, Chargé de mission auprès du Ministre de la justice

Uganda

William Omaria, Minister of State for International Affairs
Emmanuel Muchope, Permanent Secretary, Ministry of Internal Affairs
Joyce B. Onek, Foreign Service Officer, Ministry of Foreign Affairs

United Republic of Tanzania

Mathew M. Sengwaji, Attorney-General's Chambers

Zambia

C. Sampa, Minister of Home Affairs
Francis K. Ndhlovu, Inspector-General of Police

Zimbabwe

T. N. Chigudu, Permanent Secretary, Ministry of Home Affairs
Lungu, Chief Superintendent, Criminal Investigations Department

United Nations bodies

United Nations Development Programme, United Nations International Drug Control Programme

Affiliated regional institutes

African Institute for the Prevention of Crime and the Treatment of Offenders

Specialized agencies

World Bank/International Finance Corporation

Intergovernmental organizations represented by observers

Agency for Cultural and Technical Cooperation, European Union, Financial Action Task Force on Money-Laundering, Organization of African Unity

Other organizations represented by observers

Financial Crimes Enforcement Network of the Department of the Treasury, United States of America

Annex II

REPORT OF WORKING GROUP I: ELABORATION OF AN INTERNATIONAL CONVENTION AGAINST ORGANIZED TRANSNATIONAL CRIME

1. Working group I, chaired by the Minister of Justice and Human Rights of Gabon, focused on the draft framework convention against organized transnational crime (A/C.3/51/7) and identified the following six main points for discussion: definition; competence of States; issue of extradition; mutual assistance; monitoring and implementation; and international cooperation.

2. The importance of such a convention was recognized, the above-mentioned issues were discussed, and various recommendations, indicated below, were made.

3. The States participating in the Regional Ministerial Workshop decided that the early formulation of national positions was essential to ensure that their specific concerns would be appropriately reflected in the text of an international convention against organized transnational crime. They therefore committed themselves to establishing national commissions or other appropriate consultation mechanisms for the formulation of their national positions on the provisions to be included in such an instrument.

4. It was considered equally important that the States of the region should develop a common regional position on the content and scope of an international convention. For that purpose, the States participating in the Regional Ministerial Workshop decided to establish a regional group of experts. It was recognized that there would be financial implications associated with the establishment of the expert group. It was, therefore, recommended that the Crime Prevention and Criminal Justice Division should make every effort possible to identify extrabudgetary funds, seeking the assistance of potential donors, and in collaboration with the Organization of African Unity and the Economic Commission for Africa, to permit the group to meet, if possible, for two days before the meeting of the intergovernmental group of experts to be established by the General Assembly.

5. In connection with the issue of the definition of organized transnational crime, it was recommended that emphasis should be placed on the transnational nature of the criminal activity to be covered by an international convention. While the issue of definition was complex, it was agreed that it could be resolved, and that the regional group of experts could make a contribution in that direction. It was also recommended that the indicative list of criminal activities contained in article 1 of the draft framework convention should be supplemented with the following crimes: trafficking in illegal migrants; extortion; kidnapping; cattle-rustling; export of toxic wastes; illicit export of precious raw materials; trafficking in protected species; international fraud; sexual exploitation of children; trafficking in human organs; and violation of intellectual property rights.

6. With respect to article 3, it was agreed that the issue of corporate criminal liability would require further clarification.

7. While the value of extradition was reiterated, the formulation of article 7 of the draft framework convention could be improved. Many African States would encounter constitutional difficulties regarding the extradition of nationals. It was, therefore, recommended that article 7 should be reformulated in such a way as to avoid making the extradition of nationals obligatory, retaining that option for States that could follow such a course of action, and stressing at the same time the obligation to prosecute in case extradition was refused. The issue of the death penalty should also receive further consideration.

8. It was agreed that article 10 of the draft framework convention could be greatly improved, rendering that provision very useful for the purposes of the convention, by deleting the words "and exercise flexibility in the execution of request for such mutual assistance" at the end of paragraph 1.

9. It was recommended that other relevant international organizations, in addition to the International Criminal Police Organization, should be mentioned in article 11, paragraph 3.

10. It was also recommended that article 12 should be supplemented by a provision that would foresee the provision of technical assistance, including the transfer of technologies and resources for police cooperation for the benefit of developing countries and, in particular, least developed countries.

11. The States participating in the Regional Ministerial Workshop considered that mechanisms and modalities designed to promote implementation of, and to monitor compliance with, the convention were extremely important. It was pointed out, however, that the reporting obligations foreseen in article 15 of the draft framework convention might cause difficulties, particularly for developing countries. It was recommended that, if reporting obligations were deemed the most appropriate monitoring mechanism, provisions should be included in the text of the convention to foresee the possibility of assistance to developing countries, in particular least developed countries, for the elaboration and presentation of such reports. The possibility of evaluation missions should also be foreseen.

Annex III

REPORT OF WORKING GROUP II: COOPERATION AND TECHNICAL ASSISTANCE IN THE FIGHT AGAINST CORRUPTION AND ORGANIZED TRANSNATIONAL CRIME

1. Working group II, chaired by the representative of Madagascar, discussed three technical assistance projects related to organized transnational crime, the various types of illicit traffic in Africa and corruption. The implementation of the three projects at the regional and subregional levels were reviewed in detail.

2. The various modalities for implementing the technical cooperation provided by the advisory services of the Crime Prevention and Criminal Justice Division were examined, and the technical assistance and substantive support so far provided were commended. The view was expressed that international donor agencies should fund the projects related to the fight against organized crime and corruption that were submitted to the Regional Ministerial Workshop by the Division for review and approval. The importance of data exchange and staff training in such projects was stressed.

3. While the principle of carrying out a study of trends in various types of traffic in Africa before the practical implementation of regional and subregional cooperation was acknowledged as relevant, it was noted that the duration of such a study should be based on the information available in the target countries. Support was also expressed for the project in its current form.

4. There was agreement on the subregional implementation of the project, to be adapted in accordance with the findings of the initial study, and on the supply of the equipment necessary for the collection and analysis of data.

5. The projects against corruption and organized transnational crime were unanimously endorsed, and the need to ensure their implementation as soon as possible was stressed, since they dealt with important issues that had a serious negative impact on the development process and good governance.

6. The fact that the States involved had the opportunity to discuss the projects before they were finalized was welcomed, and it was decided that the attention of the World Bank, the International Monetary Fund and donor countries should be drawn to the importance of the projects and the urgency of their funding.

7. Working group II recommended that the Regional Ministerial Workshop should explicitly support the above-mentioned projects in its final declaration, and proposed that a recommendation calling for the support of the donor community should be formulated along the following lines:

> "The Regional Ministerial Workshop on Organized Transnational Crime and Corruption calls on the United Nations Development Programme, the United Nations International Drug Control Programme, the specialized agencies, the World Bank, the donor community, other intergovernmental organizations, especially the Agency for Cultural and Technical Cooperation, as well as non-governmental organizations, to provide support to the projects, including financial assistance and technical support."

Annex IV

EXPRESSION OF APPRECIATION TO THE GOVERNMENT AND PEOPLE OF SENEGAL

The following resolution was adopted by the participants in the Regional Ministerial Workshop:

"The participants in the African Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held at Dakar, from 21 to 23 July 1997, wish to express their gratefulness for the warmth, welcome and hospitality shown by the Government and people of Senegal during the Workshop, their sincere gratitude and appreciation to His Excellency Abdou Diouf, President of Senegal, and their particular thanks to His Excellency Jacques Baudin, Garde des Sceaux, Ministre de la Justice."